REMARKS

I. Summary of Office Action

Claims 1-19 and 21 are pending in the application.

The Examiner rejected claims 1-18 and 21 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

The Examiner also objected to claim 21 for lacking proper antecedent basis.

The Examiner rejected claims 1-5, 8, 9, 12, 13, 15, 16, 18, 19 and 21 under 35 U.S.C. § 102(e) as being anticipated by Klosterman et al. U.S. Patent Application Publication No. 2001/0013124 (hereinafter "Klosterman").

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Ten Kate et al. U.S. Patent No. 6,601,237 (hereinafter "Ten Kate").

The Examiner rejected claims 7, 10, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Picco et al. U.S. Patent No. 6,029,045 (hereinafter "Picco").

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Kunkel et al. U.S. Patent Application Publication No. 2002/0056093 (hereinafter "Kunkel").

II. Summary of Applicants' Reply

Applicants have amended independent claims 1, 16, 19, and 21 in order to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

The Examiner's rejections of the claims are respectfully traversed.

Reconsideration of this application is respectfully requested.

III. The Objection of Claim 21

The Examiner objected to the phrase "said at least one subset" in claim 21 for lacking proper antecedent basis. Applicants have herein amended claim 21 to correct the lack of antecedent basis. Accordingly, applicants respectfully request that the Examiner withdraw the objection to claim 21.

IV. The Rejection of the Claims under 35 U.S.C. § 112

The Examiner rejected claims 1-18 and 21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner contends that the term "non-interactive" is not supported in applicants' specification.

Applicants respectfully disagree and refer the Examiner to applicants' specification at paragraphs [0048] and [0050]. Paragraph [0048] recites:

> To personalize a commercial 64 for each viewer in accordance with one embodiment of the present invention, the viewer-specific path through each template of the commercial 64 (i.e., the selection of the option to play for each slot) will be selected at the latest moment possible (Just-In-Time-Advertising-JITA), based on information 62, FIG. 2, available on that viewer (e.g., from customer databases).

Additional support may also be found, for example, at paragraph [0050], which recites:

> The selection of what segment 70 to play for each slot, and the actual switching between slots is performed as close to the final point of delivery (e.g., a set-top box or a television). As will be described in detail below, this selection and switching may be performed in an STB (set top box). Selection is done based on rules (e.g., expert system based) expressed in terms of viewer profiles. These rules can be associated, for example, with templates and individual data-segments.

Accordingly, applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 112, first paragraph.

V. The Prior Art Rejections of Claims 1-19 and 21

The Examiner rejected each of pending independent claims 1, 16, 19, and 21 under 35 U.S.C. § 102(e) as being anticipated by Klosterman. The Examiner's rejection of these claims under this section is respectfully traversed.

Applicants respectfully submit that, contrary to the Examiner's contention, each of independent claims 1, 16, 19, and 21 is allowable for at least the reasons set forth below.

Applicants' amended independent claims are, generally speaking, directed towards methods and systems for assembling personalized advertisements, where media segments used to assemble a personalized advertisement are simultaneously transmitted on a plurality of data streams. Content selection information is transmitted "wherein said receiving unit uses said

content selection information to switch between said plurality of data streams to retrieve at least one of said media segments for each of said slots to assemble a non-interactive personalized advertisement." (See, e.g., applicants' independent claim 1.)

Similar to the prior art systems described in the Background of the Invention, Klosterman describes a system for switching between complete commercials sent over multiple channels, to allow different commercials to be displayed to a viewer. For example, Klosterman describes that "the television set of an individual viewer who is watching the SuperBowl on FOX will be automatically tuned, in a manner invisible to the viewer, to one of the multiple FOX channels during a commercial break." (See Klosterman, paragraph [0031].)

Unlike the claimed invention, however, nowhere in Klosterman is it described that a network (e.g., FOX) creates "an advertisement template comprising a plurality of slots in sequence, wherein a plurality of different media segments are insertable into at least one of said slots." As explained in applicants' specification, the media segments (e.g., audio, video, background, animation, graphs, voice, etc.) are selected from the data streams and then assembled to produce the final personalized advertisement at assembly time. (See, e.g., applicants' specification, page 6, lines 8-19.)

Nevertheless, in rejecting the claims, the Examiner asserts that paragraph [0071] of Klosterman shows the assembly of a personalized advertisement. (See, e.g., Office Action, pages 3 and 5.) Contrary to the Examiner's assertion, applicants respectfully submit that Klosterman discloses preloading overlay messages into a viewer's terminal or television system. For example, "the customized messages can be preloaded by zip code into the memories of particular viewers' television system, as through an EPG. The preloaded messages can be transmitted by a head end during off hours and stored in the viewer's terminal for use when the advertisement runs." (See Klosterman, paragraph [0071].) Nowhere does Klosterman show or suggest that the overlay messages stored in the viewer's terminals are inserted into an advertisement template. Rather, these overlay messages are placed over completed advertisements transmitted by a broadcaster or headend. In addition, nowhere does Klosterman show or suggest that these overlay messages are simultaneously transmitted over a plurality of data streams. Klosterman discloses that these overlay messages are preloaded into the viewer's terminal, for example, during off hours.

In addition, nowhere in Klosterman does it show or suggest that the receiving unit "uses said content selection information to switch between said plurality of data streams to retrieve at least one of said media segments for each of said slots to assemble a non-interactive personalized advertisement." Instead, as described above, Klosterman describes a system for switching between complete commercials sent over multiple channels, to allow different commercials to be displayed to a viewer. At the headend of Klosterman, an instruction is inserted in the outgoing television signal for a first channel that instructs the viewer's terminal to tune to a second channel. The channel change instruction includes a duration of time that is used to indicate how long the viewer's terminal should be tuned to the second channel before tuning back to the first channel. Klosterman's viewer profile information is not used by the viewer's terminal to switch between a plurality of data streams to receive media segments for the assembly of a personalized advertisement.

In view of the foregoing, applicants respectfully submit that independent claim 1 is allowable over Klosterman. Therefore, applicants respectfully request that the rejection of claim 1 be withdrawn by the Examiner.

Similarly, independent system claims 16, 19, and 21 are allowable for at least the same reasons. Therefore, applicants respectfully request that the rejection of independent claims 16, 19, and 21 also be withdrawn by the Examiner.

The Examiner rejected each of dependent claims 2-15, 17, and 18 under either 35 U.S.C. §§ 102(e) or 103(a) as being unpatentable over Klosterman. In particular, the Examiner rejected claims 2-5, 8, 9, 12, 13, 15, and 18 under 35 U.S.C. § 102(e) as being anticipated by Klosterman. The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Ten Kate. The Examiner rejected claims 7, 10, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Picco. The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Kunkel. Applicants respectfully submit that claims 2-15, 17, and 18, each of which depends from one of independent claims 1 and 16, are allowable for at least the same reasons that the independent claims are patentable as set forth above.

VI. Conclusion

The foregoing demonstrates that claims 1-19 and 21 are patentable. This application is therefore in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

VII. Authorization

The Director is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Director is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 08-0219.

Respectfully submitted,

WILMER CUTLER PICKERING
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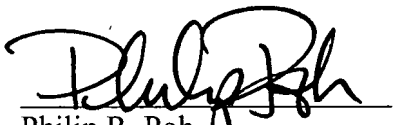

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